

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1901 of 1999

with

CIVIL REVISION APPLICATION NO 1902 OF 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

RAYSINH ADESING RANA

Versus

ABHASING KABHAI BHALAVAT

Appearance:

1. Civil Revision Application NO 1901 of 1999
MR NIRZAR S DESAI for Petitioner
MR JN JADEJA for Respondent No. 1, 2, 3
 2. Civil Revision Application No 1902 of 1999
MR JN JADEJA for the Petitioners
MR NIRZAR S DESAI for Respondent
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 01/03/2000

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. Both the courts concurrently held that the plaintiffs are in possession of the land bearing Survey No. 396 and the defendant is in possession of the land bearing survey No. 393. These are the findings of fact recorded by both the courts and having heard the learned counsel for the parties, I am satisfied that there is no perversity therein. When the appellate court has very very limited power of interference in such discretionary orders then this court sitting under section 115, C.P.C. has more restricted powers of interference. Whatever findings given on the question of possession of the parties are only provisional and tentative for the purpose of deciding Ex.5 and not the final findings. While deciding the matter finally, the court may not be influenced by these findings.

3. In the result, both these revision applications fail and the same are dismissed. Rule discharged in civil revision application No.1901 of 1999. Interim relief, if any, granted by this court stands vacated.

4. These revision applications arise from the suit which has been filed by the plaintiff in the year 1992. Learned trial court is directed to dispose of the suit finally within a period of nine months from the date of receipt of writ of this order or certified copy thereof, whichever is earlier. Compliance of this order has to be reported to this court.

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